

Appl No 10/645,485

Reply to Office Action of August 17,2006

REMARKS/ARGUMENTS

Claims 1-63 remain in this application. Claims 46 and 58-60 have been amended. Claims 61-63 are new. Claims 1-45 have been previously withdrawn. Claims 47, 48, 50-55 and 57 are original. Claims 49 and 56 have been previously presented.

Interview Summary

The present document is a summary of a telephone interview which occurred on February 14, 2007 between Examiner Jason Y. Bahng and Manuel Fortin, a trainee of the agent of record in the above-referenced Patent Application, Louis Tessier.

Claim 46 was discussed in view of Sawatsky (US Design 374,380). A proposed claim identical to the concurrently filed amended claim 46 had been previously submitted to the Examiner. Without further discussion, the Examiner agreed that this proposed claim overcame the cited prior art, but stated that another search was required prior to allowance. The Applicant submitted no exhibit.

Statement of rejection under 35 U.S.C. §102

Claims 46-60 have been rejected under 35 U.S.C. §102 as being anticipated by US Design Patent D374,380, hereinafter Sawatsky.

Amended claim 46 now includes the following limitations:

"a body having a substantially planar working surface, said working surface including a main area and at least one auxiliary area, said main and auxiliary areas being substantially coplanar and extending continuously from each other, (...) said main and auxiliary area peripheral edges

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having distinct geometrical configurations for facilitating the visual identification and recognition thereof; said main and auxiliary areas extending from each other along a shared edge portion of said main and auxiliary areas peripheral edges; said working surface area being substantially planar substantially adjacent and across said shared edge portion; " (emphasis added)

In opposition to these limitations, the Sawatsky reference clearly defines a groove in the working area. This groove is the only feature of Sawatsky that defines portions of the cutting board that may be considered visually distinct from each other. Therefore, the presence of this groove is clearly contrary to the limitation : "said main and auxiliary areas being substantially coplanar and extending continuously from each other (...) said working surface area being **substantially planar substantially adjacent and across said shared edge portion**" as the groove is a non-planar discontinuity between the two areas.

Also, the Applicant respectfully submits that claim 46 is not obvious in view of Sawatsky. Indeed, as mentioned in the claim, "said main and auxiliary areas are adapted to be used for distinct food preparation operations and said continuous relationship between said main and auxiliary areas and said substantially planar configuration of said working surface substantially adjacent and across said shared edge portion facilitate scraping said foodstuff between said main and auxiliary areas". Referring to the first paragraph of page 2 of the application as currently on file, "(...) the conventional cutting board has certain limitations and presents some drawbacks. For example, prior art cutting boards generally do not provide means for the convenient separation of usable food portions from food scrap, of usable portions between

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themselves and of both usable portions and debris from the foodstuff being processed." This is especially the case if a groove is provided between two areas, as in the cutting board illustrated in Sawatsky, as foodstuff will become stuck in the groove and prevent scraping the food between the two areas.

The claimed invention has many advantages over the prior art cited by the Examiner. For example, as specified on page 29, 7th paragraph: "Facilitation of the visual identification and differentiation of the main and auxiliary areas 14 improves the overall cognitive ergonomicity of the food preparation operation since it allows the intended user to mentally define individual sections allocated to specific tasks. Also, since the main and auxiliary sections 12, 14 are substantially coplanar and the junction the foodstuff is **easily scrapable** between the main and auxiliary areas 12, 14 during processing thereof." And on page 7, 2nd paragraph : "The implement **reduces the labour involved in transferring foodstuff** between food preparation stages and **reduces the required table or counter top surface.**"

In view of the above, the Applicant respectfully submits that the invention claimed in amended claim 46 is neither taught nor suggested by Sawatsky. In fact, Sawatsky teaches away from the claimed invention as a groove is used to define two areas. Accordingly, the Applicant respectfully requests that the rejections of claim 46 be withdrawn.

Claims 47 - 63 depend directly or indirectly on claim 46. As such, claims 47 - 63 include all the limitations of claim 46. Since the applicant believes that claim 46 is in allowable form, the applicant respectfully submits that claims 47 - 63 are also in allowable form respectfully requests that the rejections of claims 47 - 63 be withdrawn.

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A Request for Continued Examination is filed concurrently
herewith.

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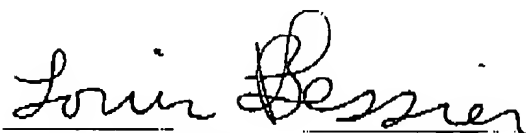
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CONCLUSION

In view of the above, it is submitted that claims 46-63 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 46-63 at an early date is solicited.

If the claims of the application are not believed to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance of the Examiner in drafting one or more acceptable claims or constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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Req. No 45,289

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